each recessed groove receives a corresponding tongue disposed on an end of the first and second tubular.

26. A method for coupling an expandable tubing assembly, comprising:

providing a sleeve comprising:

first and second ends having a plurality of radially spaced, longitudinal slots formed therein, wherein an inner surface of the first and second ends of the connector is threaded and wherein the first and second ends of the connector include a recessed groove; and

an intermediate portion located between the first and second ends having a plurality of radially spaced, longitudinal slots that at least partially overlap the slots formed in the first and second ends,

providing a first and second tubular having overlapping longitudinal slots; and

coupling the sleeve to corresponding threads on an outer surface of the first and second tubular.

REMARKS

This is intended as a full and complete response to the Final Office Action dated February 26, 2002, having a shortened statutory period for response set to expire on May 26, 2002. Claims 1, 3-6, and 16-26 are pending in the application. Please enter the following amendments and reconsider the claims pending in the application for reasons discussed below.

Claims 16, 22 and 23 are objected to because of informalities. Where appropriate, Applicant has amended the claims for clarification in accordance with the Examiner's comments.

Claims 1-4, 16-18, and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Lohbeck*, WO 98/22690. The Examiner states that *Lohbeck* discloses an expandable tubing assembly comprising a tubular connector defining overlapping

longitudinal slots and comprising an intermediate portion (area where 1 is pointing in Figure 1) located between slotted end portions, the connector being radially expandable by deformation of fingers of material in the intermediate portion wh re adjacent circumf rentially spaced slots overlap, and where the slotted end portions of the connector 1 are threaded to the nodes of respective end portions (threaded via screws 11) of the tubing lengths and the deformable fingers of the connector are axially spaced from the end most deformable fingers of the respective tubing lengths.

Applicant respectfully traverses this rejection on the ground that *Lohbeck* is not proper prior art under 35 U.S.C. § 102(e). As the Examiner noted in the Office Action dated February 26, 2002, the present application was neither filed prior to November 29, 2000 nor voluntarily published under 35 U.S.C. § 122(b). Therefore, the present application should be examined as a "pre PG-PUB application." *See* MPEP § 706.02(a). As such, a section 102(e) reference cited against the present application must be a U.S. Patent with a filing date earlier than the effective date of the application. *See Id.*, citing MPEP § 2136.03. For a patent granted on a 35 U.S.C. § 371 application, the prior art date is the date on which paragraphs (1), (2), and (4) of 35 U.S.C. § 371 have been fulfilled. *See* MPEP § 706.02(a).

In the present case, the Examiner has not established a prima facie case that *Lohbeck* is proper prior art under 35 U.S.C. § 102(e). First, *Lohbeck* is an international application, not a U.S. patent as required by § 102(e). Alternatively, the Examiner has not established the date on which *Lohbeck* fulfilled paragraphs (1), (2), and (4) of 35 U.S.C. § 371, *i.e.*, the prior art date of *Lohbeck*. Therefore, Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 5-6, 19-21 and 23-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lohbeck* in view of *Kozono*, U.S. Patent No. 4,619,472. The Examiner states that *Lohbeck* discloses the assembly described above, except that *Lohbeck* does not disclose that each end portion defines an internal thread for engaging a corresponding thread on an outer surface of each tubing end portion. The Examiner states that *Kozono* discloses inner threads at both ends of a connector and external threads on adjacent pipe ends in order to create a strong connection between two tubes which can be quickly assembled. Therefore, the Examiner concludes that it would have

been obvious to modify the connector in *Lohbeck* to include the mating internal and external thr ads with a groove and tongue arrangement in order to create a strong connection.

Applicant respectfully traverses this rejection. As discussed above, *Lohbeck* is not proper prior art. Therefore, Applicant respectfully requests withdrawal of the rejection. Further, *Kozono* discloses pipe coupling having an inner tubular member cut with an external thread and an outer tubular member cut with an internal thread and posses a sealing portion where the metal to metal contact of conical surfaces establishes a seal. The tip of the sealing portion of the inner tubular member is substantially not in contact with the tip of the outer tubular member. *Kozono* does not teach, show, or suggest an expandable slotted tubular or a how the threads may be implemented to connect an expandable slotted tubular.

Claims 5-6 depend from claim 1 and claims 19-21 depend from claim 16. As discussed above, Applicant believes claims 1 and 16 are in condition for allowance. Therefore, Applicant believes claims 5-6 and 19-21 are also in condition for allowance. Further, the references, neither alone nor in combination, teach, show, or suggest the connector end portions define grooves to receive corresponding tongues provided on the tubing length end portions as recited in claim 6 and 20. Additionally, the references, neither alone nor in combination, teach, show, or suggest an intermediate portion located between the first and second ends having a plurality of radially spaced, longitudinal slots that at least partially overlap the slots formed in the first and second ends as recited in claims 23-26. Therefore, Applicant believes the claims are in condition for allowance and respectfully request allowance of the same.

With regards to the objected specification, the Examiner is advised that a Substitute Specification was filed with the Response to the First Office Action dated July 2, 2001.

The prior art made of record is noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, it is believed that a detailed discussion of the secondary references is not deemed necessary for a full and complete response to this office action.

In conclusion, the references cited by th Examin r, n ither alone nor in combination, teach, show, or suggest the apparatus or process of the present invention. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and resp ctfully request that the claims be allowed.

Respectfully submitted,

William B. Patterson
Registration No. 34,102
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)

APPENDIX

Marked Up Version Showing Amendments to the Claims:

16. (Amended) An expandable tubing assembly, comprising:

a first and second [tubular] tubulars having a plurality of longitudinal slots formed therein;

a connector threadably disposed between the first and second tubulars, wherein the connector comprises:

first and second ends having a plurality of radially spaced, longitudinal slots formed therein; and

an intermediate portion located between the first and second ends having a plurality of radially spaced, longitudinal slots that at least partially overlap the slots formed in the first and second ends.

22. (Amended) The assembly of claim 16, wherein the connector is attached to the first and second [tubular] tubulars using one or more means for connecting disposed between the radially spaced, longitudinal slots formed in the first and second ends of the connector.

23. (Amended) An expandable tubing assembly, comprising:

a first and second [tubular] tubulars having a plurality of longitudinal slots formed therein;

a connector disposed between the first and second slotted tubulars, wherein the connector comprises:

first and second ends having a plurality of radially spaced, longitudinal slots formed therein, wherein an inner surface of the first and second ends of the connector is threaded; and

an intermediate portion located between the first and second ends having a plurality of radially spaced, longitudinal slots that at least partially overlap the slots formed in the first and second ends,

wherein the threaded inner surfaces of the first and second ends of the connector ngage a corresponding thread on an outer surface of the first and second tubular.